

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF FEBRUARY 10, 2006

(Published February 18, 2006, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
February 10, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 2/10/06.

Absent - Goodman.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held January 27, 2006. Seconded.

Adopted upon a voice vote 2/10/06.

Absent - Goodman.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 2/10/06.

Absent - Goodman.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270960)

Land Sale: 2912-16th Ave S to Powderhorn Community Council.

Riverton Community Housing (700-10th Ave SE & 1000-8th St SE): Issuance of bonds to refinance debt & rehabilitate student housing.

Mount Olivet Careview Home (5517 Lyndale Ave S): Issuance of bonds to refinance debt relating to 153-bed skilled nursing facility.

38th St & Nicollet Ave Redevelopment Project: Authorizing continued analysis.

Hiawatha-Lake Transit Oriented Development: Extension of Metropolitan Livable Communities Act Livable Communities Demonstration Account & Supplemental Transit Funding Grant Agreement to 6/30/06.

Wellington Management, Inc (re SE corner of Penn & Lowry Aves N): Authority to negotiate redevelopment agreement & land sale.

Supercomputer Center (1200 Washington Ave S): Actions relating to sale by University of Minnesota.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270961)

Humboldt Greenway Project: Appropriation increase re second mortgage assistance repayment.

**HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (270962)

Tax Services for Low Income Adults: Accept \$13,275 from Friends of the Skyway Senior Center to provide services to low income adults; and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (270963)

Mpls Police Relief Association: Proposed 2006 legislation (HF 2577), a bill defining terms of successor trust fund; increasing salary limits of elected members of the board of trustees; readjusting compensation of officers; providing additional investment authority.

League of Minnesota Cities: Presentation on 2006 legislative agenda.

Association of Metropolitan Municipalities: Presentation on 2006 legislative agenda.

North Metro Mayors Association: Presentation on 2006 legislative agenda.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (270964)

Chapter 249 Properties: Authorize demolition of:

2630 Penn Av N

2822 15th Av S.

INSPECTIONS DEPARTMENT (270965)

Chapter 249 Property at 3435 Cedar Av: Extend rehabilitation deadline to April 1, 2006.

LICENSES AND CONSUMER SERVICES (270966)

Uptown Amoco (2700 Hennepin Av): Recommendation to deny renewal of Tobacco Dealer, Grocery and Gasoline Filling Station Licenses for non-payment of administrative citations.

Licenses: Applications.

MINNESOTA STUDENT ASSOCIATION (270967)

Noisy and Unruly Assembly Ordinance: Position Statement of Executive Board Committee.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270968)

2005 Urban Area Security Initiative Federal Grant: Accept award of \$2,305,365 to improve homeland security and work toward preventing a terrorist attack; Approve appropriations; and execute any sub-recipient agreements necessary to implement project.

INSPECTIONS DEPARTMENT (270969)

Weed Cutting and Related Services: OP #6526 - accept low bid of Over the Top Inc for services in North District.

POLICE DEPARTMENT (270970)

Central Weed and Seed: Accept \$96,628 and execute agreement with Pillsbury United Communities for overtime and other policing services to work toward 2006 work plan; and Approve appropriation.

Central Weed and Seed: Execute no-cost amendment to grant agreement with Pillsbury United Communities to extend grant period to expend all grant funds.

Operation Nightcap: Accept \$15,000 and execute agreement with Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program; and Approve appropriation.

2006 Drug Task Force Grant: Accept \$210,000 and execute grant agreement with Minnesota Department of Public Safety for overtime, training and equipment to combat sales and production of drugs; Execute Joint Powers Agreement to share grant funds with Hennepin County Sheriff; and Approve appropriation.

**TRANSPORTATION AND PUBLIC WORKS:**

XCEL ENERGY/NSP (270971)

Utility Pole: Install new 45' pole at 5016 E 54th St for new service to Federal Credit Union Building, W.O. #10726213.

Utility Poles: Install 2 new 40'3 poles to relocate overhead conductors at 29th St E & 11th Av S, Design #153078.

Utility Pole: Install one (1) new 40'4 pole at 624 Lowry Av N as part of the Lowry Av Road Project, Design #160788.

Utility Poles: Install two (2) new 40'5 poles to relocate overhead and underground conductors now crossing Lowry Av N, at request of Hennepin County Transportation, Design #16078.

Utility Pole: Install one (1) new 30' pole for a new street light at 308 37th Av NE, WO #10744478.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (270972)

Sale of Excess City-Owned Land at 3802 Calhoun Pkwy W: Public hearing held. Approve sale, with conservation easement, to adjacent owner, Biltmore Land Group, LLC.

New Fire Station No. 14: Change Order No. 2 to contract with Rochon Corporation for construction contingencies.

Railroad Crossing Safety Project: Resolution closing and discontinuing Soo Line Railroad at-grade crossing at Benjamin St NE.

Flood Area 27 Flood Mitigation Project and 28th Av S Reconstruction Project (38th St E to 40th St E): Resolution designating location and improvements; receive cost estimate, and direct City Engineer prepare proposed assessments.

Appeal of Stormwater Utility Fee: Deny appeal of Custom Plastic Laminates, Inc. and adopt findings, conclusions and recommendations.

RFP for Garbage Collection: Extend current contract with MRI for 6 months and appoint Negotiating Team to negotiate with MRI to preserve high quality service.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (270973)

Lowry Av N Reconstruction Project No 2259: Public hearing held. Resolutions: a) Ordering work to proceed and adopting special assessments; b) Requesting Board of Estimate and Taxation to issue and sell bonds; c) abandoning and removing areaways located in public street right-of-way; and d) Establishing No Parking Anytime restrictions on both sides of Lowry Av N.

Electrical Generator Installation: Contract with Sebesta Blomberg & Associates, Inc. for Engineering Services for electrical generation equipment at Fridley Water Facility.

George Morrison Mosaic: Increase contract with Twin City Tile and Marble Company and extend contract to July 30, 2006 for reinstallation of mosaic at new Central Library site.

Sentencing to Service Program: Contract with Hennepin County Sentencing to Service Program to perform routine maintenance of City-owned property.

**WAYS AND MEANS BUDGET:**

**FINANCE DEPARTMENT (270974)**

NRP Policy Board: Report update on the NRP Technical Advisory Group to the NRP Policy Board. Receive and File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (270975)**

Legal Settlements: a) Sirad Osman Ahmed; and b) Thomas Johnson.

Master Legal Services Agreement: Authorize City Attorney to negotiate and enter into a "Master Agreement" for the period of November 1, 2005 through December 31, 2006 with the Parker Rosen LLC law firm.

**BUSINESS INFORMATION SERVICES (BIS) (270976)**

Contract with Bentley Systems, Incorporated: Authorize execution of amendment to Contract #C-17010 with Bentley Systems Incorporated in the amount of \$102,520 for the support and maintenance of the Public Works Civil Engineering application for 2006.

CML Emergency Services, Inc.: Authorize execution of a contract with CML Emergency Services, Inc. to provide emergency 911 telephone and telecommunication services; Approve appropriation.

**COMMUNICATIONS (270977)**

Utility Bill Insert: March 2006 insert providing information regarding the "Free Rain Garden Workshops" sponsored by Minneapolis Blooms, a program of the Committee on Urban Environment.

**COORDINATOR (270978)**

New Central Library Project - Change Orders: Approve Change Order No. 4 increasing Contract Number C-19477 with Sowles Company, d.b.a. Northwest Tower Crane (\$1,303); Change Order No. 07.002 increasing Contract Number C-20072 with Graham Penn-Co Construction, Inc. (\$68,243); Change Order No. C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical (\$53,984); Change Order No. 4 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. (\$103,782); and Change Order No. 3 decreasing Contract Number 019830 with Schindler Elevator Corporation (\$17,519).

**COUNCIL MEMBER (270979)**

Automobile Allowance Ordinance: Amending Title 2, Article IX, Section 20.580 of the Minneapolis Code of Ordinances (by changing the language to adjust the authorized Type B Auto Allowance from \$200 to \$400) effective March 1, 2006.

**FINANCE DEPARTMENT (270980)**

Minneapolis Library Board Cash Flow Loan: Authorize the Chief Financial Officer to lend up to \$1.365 million to the Minneapolis Library Board to be repaid with interest not later than December 31, 2007.

**HUMAN RESOURCES (270981)**

New Appointed Position: Human Resource Principal Consultant: a) That the council may establish that the position meets the criteria in Section 20.1010 of the code; b) Approve proposed position allocated to grade 11, 523 points; and c) Passage of Salary Ordinance approving annual salary in accordance with the adopted appointed employee's compensation plan, effective January 30, 2006.

**INTERGOVERNMENTAL RELATIONS (270982)**

Project Coordinator - City/County Director to End Homelessness: Authorize hire of Ms. Catherine Ann ten Broeke at Step 5 of the salary scale for project coordinator.

**WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):**

**ARTS COMMISSION (270983)**

Jackson Square Park (825 - 22nd Ave NE): Issue (RFP) for a public artist(s) for Jackson Square Park; Authorize staff to execute agreement with selected artist in an amount not to exceed \$80,000.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (270984)

2006 CPED Planning Division Work Plan: Community Planning and Zoning Code Text Amendments.

**ZONING AND PLANNING (See Rep):**

INSPECTIONS/BOARD OF ADJUSTMENT (270985)

Appeal: Christo Stavrou, on behalf of William Weisman (2708 Irving Ave S): Re variances for front yard patio.

INSPECTIONS/ZONING ADMINISTRATOR (270986)

Hansen Brothers' Fence (2716 Lowry Ave N): Revocation of Conditional Use Permit.

PLANNING COMMISSION/DEPARTMENT (270987)

Vacation: City of Mpls/CPED Housing Division (2824 Aldrich Ave S & 2817 Bryant Ave S): tunnel easement in alley.

Rezoning:

Joe Olson & Robert Lilligren (re 2912 - 3rd Ave S);

American Cancer Society & the University of MN (2500 University Ave SE)

Zoning Code Text Amendments:

Permitted & Conditional Uses Citywide: Ordinances amending Title 20, Chapters 520, 536, 546, 547, 548, 549, 551, comprehensively examine and revise which uses are permitted or conditional uses as well as specific development standards for selected uses.

**PLANNING COMMISSION:**

Extendicare Homes, Inc. (270988)

Permission to vacate the alley adjacent to 321 25th St E, 2516 Clinton Ave S, and 2509 3rd Ave S. It is currently a grassy area. The intent is to keep it a grassy area.

Union Land III, LLC (270989)

Permission for Drainage Easement, 20 feet in width lying 85 feet away from but roughly parallel to Broadway St NE at Main St NE running across the middle of the property. Lots 6, 7, 8 & 9, Block 13, Marshall's Addition to the Town of Saint Anthony. Redevelopment of the parcel includes construction - Condominium Development.

**FILED:**

MINNESOTA STATE OFFICES-State Auditor (270990)

Minneapolis Neighborhood Revitalization Policy Board Year End 12/31/2004, audit report.

*The following reports were signed by Mayor Rybak on February 15, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2912 – 16<sup>th</sup> Ave S to Powderhorn Community Council for \$36,900, subject to the following conditions:

a) Land sale closing must occur on or before 30 days from date of City Council approval; and

b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 2/10/06.

Resolution 2006R-041, authorizing sale of land Model Cities Disposition Parcel No VH-111 (2912 – 16<sup>th</sup> Ave S) to Powderhorn Community Council, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-041**

**By Goodman**

**Authorizing sale of land Model Cities Disposition Parcel No VH-111 (2912 – 16<sup>th</sup> Avenue South).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-111, in the East Phillips neighborhood, from Powderhorn Community Council, hereinafter known as the Redeveloper, the Parcel VH-111, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description of VH-111; 2912 16th Avenue South:** Lot 4, Block 4, Allan and Anderson's Addition; and

Whereas, the Redeveloper has offered to pay the sum of \$36,900, for Parcel VH-111 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 20, 2006, a public hearing on the proposed sale was duly held on January 31, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model Cities plan, as amended, is hereby estimated to be the sum of \$36,900 for Parcel VH-111.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having under consideration the issuance of bonds for Riverton Community Housing, which provides affordable housing to students and faculty in a post-secondary educational environment, now recommends passage of the accompanying resolution giving preliminary and final approval for the issuance of up to \$13,610,000 in Tax-Exempt 501(c)(3) Housing Revenue Bonds and \$180,000 in Taxable Bonds for the refinancing of Riverton's existing bond debt for housing inventory at Marcy Park, 700 – 10<sup>th</sup> Ave SE and 1000 – 8<sup>th</sup> St SE; Franklin Cooperative, 2300 E Franklin Ave; Marshall Cooperative, 1405 – 5<sup>th</sup> St SE; and rehabilitation of its new 16-unit student housing facility, 4<sup>th</sup> Street Apartments, at 1227 – 4<sup>th</sup> St SE.

Adopted 2/10/06.

Resolution 2006R-042, giving preliminary and final approval of the issuance of the \$13,610,000 City of Minneapolis, MN, Student Housing Revenue Bonds for the Riverton Community Housing Project, Series 2006A, and the \$180,000 City of Minneapolis, MN, Taxable Student Housing Revenue Bonds, Series 2006B pursuant to Minnesota Statutes, Chapter 462C, for the purpose of refunding the \$12,000,000 City of Minneapolis, Minnesota, Student Housing Revenue Bonds, Series 2000, financing the acquisition and improvement of a multifamily housing development for student housing, and funding reserves for and paying certain costs of issuance of the Series 2006A Bonds and the Series 2006B Bonds; prescribing the forms of and authorizing the execution and delivery of a loan agreement and indenture; authorizing the execution and delivery of the bonds, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-042**  
**By Goodman**

**Giving preliminary and final approval of the issuance of the \$13,610,000 City of Minneapolis, Minnesota, Student Housing Revenue Bonds (Riverton Community Housing Project) Series 2006A, and the \$180,000 City of Minneapolis, Minnesota, Taxable Student Housing Revenue Bonds (Riverton Community Housing Project) Series 2006B pursuant to Minnesota Statutes, Chapter 462C, for the purpose of refunding the \$12,000,000 City of Minneapolis, Minnesota, Student Housing Revenue Bonds (Riverton Community Housing Project) Series 2000, financing the acquisition and improvement of a multifamily housing development for student housing, and funding reserves for and paying certain costs of issuance of the Series 2006A Bonds and the Series 2006B Bonds (The "Bonds"); prescribing the forms of and authorizing the execution and delivery of a loan agreement and indenture; authorizing the execution and delivery of the bonds.**

Whereas, the City of Minneapolis, Minnesota (the "City" or the "Issuer") is a municipal corporation and political subdivision of the State of Minnesota; and

Whereas, pursuant to the Constitution and laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), the Issuer is authorized to carry out the public purposes described therein and contemplated thereby by issuing its revenue bonds to finance the cost of the acquisition and rehabilitation of multifamily housing developments to be located within its corporate boundaries; and

Whereas, the City Council (the "City Council") of the Issuer has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which Plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon, for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing;

Whereas, there has been proposed a program (the "Program") for the issuance of bonds to finance the refinancing and rehabilitation by Riverton Community Housing, a Minnesota nonprofit corporation (the "Company") of a student housing residence consisting of 16 units located at 1227 4th Street SE,

in the City, known as 4<sup>th</sup> Street Cooperative, to refund certain bonds (the "Series 2000" Bonds) previously issued by the City for the benefit of the Company, which bonds financed the acquisition and rehabilitation of an 182-unit student housing residence located at 2300 Franklin Avenue East, known as Franklin Student Housing Cooperative, a 16-unit student housing residence located at 1405 – 5<sup>th</sup> Street Southeast, known as Marshall Student Housing Cooperative, and a two-building, 57-unit student housing residence located at 700 – 10<sup>th</sup> Avenue Southeast and 1000 – 8<sup>th</sup> Street Southeast, known as Marcy Park Student Housing Cooperative, to fund a bond reserve fund, and to pay the costs of issuance of the bonds (the "Project"); and

Whereas, the cost of the Program is presently estimated to be in excess of \$13,790,000; and

Whereas, a public hearing was duly called and held on January 31, 2006, after at least 15 days' published notice published on January 14, 2006; and

Whereas the Program was submitted to the Metropolitan Council on or prior to the date of publication of notice of the public hearing on such Program, and the Metropolitan Council has been afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the City desires to facilitate the development of student rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas this City Council has been advised that refunding of the Series 2000 Bonds will result in substantially reduced debt service for the projects financed with the Series 2000 Bonds, thus improving their economic feasibility; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and

Whereas, the Company has requested that the City issue, on or about February 23, 2006, its \$13,610,000 Student Housing Revenue Bonds (Riverton Community Housing Project), Series 2006A (the "Series 2006A Bonds") and its \$180,000 Taxable Student Housing Revenue Bonds (Riverton Community Housing Project), Series 2006B (the "Series 2006B Bonds") (collectively, the "Series 2006 Bonds") to provide for the funding of a loan (the "Loan") to the Company for the purpose of financing the Project; and

Whereas, the Series 2006 Bonds will be payable solely from the revenues of the Project and other moneys, if any, provided by the Company, and the Series 2006 Bonds will not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; and

Whereas, it is proposed that:

(a) The Issuer issue (i) the Series 2006A Bonds in an aggregate principal amount not to exceed \$13,610,000, the interest on which is intended to be exempt from federal income taxation; and (ii) the Series 2006B Bonds in an aggregate amount not to exceed \$180,000, the interest on which is intended to be subject to federal income taxation; and

(b) The Issuer enter into a Loan Agreement, dated as of February 1, 2006 (the "Loan Agreement"), with the Company, to provide for the Issuer's loan of the proceeds of the Series 2006 Bonds;

(c) The Issuer enter into an Indenture of Trust (the "Indenture") dated as of February 1, 2006, between the Issuer and Wells Fargo Bank, National Association (the "Trustee"), authorizing the issuance of the Series 2006 Bonds and pledging certain revenues, including those to be derived from the Loan Agreement, as security for the Series 2006 Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(d) The Company enter into a Mortgage and Security Agreement and Fixture Financing Statement and an Assignment of Rents and Leases, to secure the payment of the Series 2006 Bonds to the Issuer; and

(e) The Issuer assign its interests in the Mortgage and Security Agreement and Fixture Financing Statement and the Assignment of Rents and Leases to the Trustee to secure the payment of the Series 2006 Bonds; and

Whereas, at least seventy-five percent (75%) of the dwelling units in the Project shall be held for occupancy by families or individuals with adjusted gross income not in excess of eighty percent (80%) of the median family income estimated by the United States Department of Housing and Urban Development for the Minneapolis/St. Paul Standard Metropolitan Statistical Area and of that 75%, at least twenty percent (20%) of the dwelling units in the Project shall be held for occupancy by families or individuals with adjusted gross income not in excess of fifty percent (50%) of such median family income; and

Whereas, the Issuer has received an offer from Dougherty & Company LLC Incorporated (the 'Original Purchaser'), for the purchase of the Series 2006 Bonds at interest rates not to exceed seven percent (7%); and

Whereas, no litigation is pending or, to the best knowledge of the members of this Council, threatened against the Issuer questioning the organization or boundaries of the Issuer, or in any manner questioning the right and power of the Issuer to execute and deliver the Series 2006 Bonds, or otherwise questioning the validity of the Series 2006 Bonds or the proposed Loan Agreement or Indenture; or questioning the appropriation of revenues for the payment of the Series 2006 Bonds or the right of the Issuer to lend the proceeds of the Series 2006 Bonds to the Company; and

Whereas, all acts and things required under the Constitution and the laws of the State of Minnesota to make the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments and the Series 2006 Bonds the valid and binding obligations of the Issuer in accordance with their terms will have been done upon adoption of this Resolution and the execution and delivery of the Loan Agreement, the Indenture and the Series 2006 Bonds; and

Whereas, the Issuer intends to treat the Series 2006A Bonds as an acquired program investment as defined in Treasury Regulation 1.148-1(b); and

Whereas, it is necessary and proper at this time that the Issuer (a) authorize the issuance of the Series 2006 Bonds and the application of the proceeds thereof to provide for the funding of the Loan (b) authorize the execution and delivery of the Loan Agreement, the Bond Purchase Agreement, and the Assignments, (c) authorize the execution and delivery of the Indenture, and (d) confirm and approve the sale of the Series 2006 Bonds to the Original Purchaser;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the Program is hereby adopted.

2. The Issuer is authorized by the Act to issue the Series 2006 Bonds and to loan the proceeds thereof to the Company to finance the refinancing and rehabilitation by the Company of a student housing residence consisting of 16 units located at 1227 4<sup>th</sup> Street SE, in the City, known as 4<sup>th</sup> Street Cooperative, to refund certain Series 2000 Bonds previously issued by the City for the benefit of the Company, which Series 2000 Bonds financed the acquisition and rehabilitation of an 182-unit student housing residence located at 2300 Franklin Avenue East, known as Franklin Student Housing Cooperative, a 16-unit student housing residence located at 1405 – 5<sup>th</sup> Street Southeast, known as Marshall Student Housing Cooperative, and a two-building, 57-unit student housing residence located at 700 – 10<sup>th</sup> Avenue Southeast and 1000 – 8<sup>th</sup> Street Southeast, known as Marcy Park Student Housing Cooperative, to fund a bond reserve fund, and to pay the costs of issuance of the Bonds.

3. Pursuant to the above, there have been prepared and presented to this Council copies of the following documents (in the aggregate, the Documents) all of which are now placed on file in the office of the City Clerk;

(a) The Series 2006 Bonds;

(b) The Loan Agreement;

(c) The Indenture;

(d) The Mortgage;

e) An Assignment of the Mortgage (the "Assignment") dated as of February 1, 2006, from the Issuer to the Trustee;

f) Assignment of Leases and Rents (the "Assignment of Leases") dated as of February 1, 2006 from the Company to the Issuer;

- g) An Assignment of the Assignment of Leases (the "Assignment of Assignment") dated as of February 1, 2006, from the Issuer to the Trustee;
- h) Collateral Assignment (the "Collateral Assignment") dated as of May 1, 1998 from the Company to the Trustee;
- i) Bond Purchase Agreement (the "Bond Purchase Agreement") by and among the Original Purchaser, the Company, and the Issuer, providing for the purchase of the Bonds from the Issuer by the Original Purchaser and setting the terms and conditions of purchase; and
- j) Preliminary Official Statement (the "Preliminary Official Statement") pursuant to which the Bonds will be offered.

4. The forms of the Documents listed above are approved, with such changes therein, not inconsistent with this Resolution and not materially adverse to the Issuer, as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignment of Assignment, and the Collateral Assignment. The Assignment of Mortgage, and the Assignment are referred to herein as the Assignments. All of the provisions of the Loan Agreement, the Indenture, the Bond Purchase Agreement, and the Assignments, when executed and delivered as authorized herein, shall be deemed to be a part of this Resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement, the Indenture, the Bond Purchase Agreement, and the Assignments shall be substantially in the forms submitted to the Issuer, with such changes therein not inconsistent with this Resolution and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer.

5. For the purpose of funding the Loan, there is hereby authorized the issuance of not to exceed \$13,610,000 aggregate principal amount of City of Minneapolis, Minnesota, Student Housing Revenue Bonds (Riverton Community Housing Project) Series 2006A and not to exceed \$180,000 aggregate principal amount of City of Minneapolis, Minnesota, Taxable Student Housing Revenue Bonds (Riverton Community Housing Project) Series 2006B. The Series 2006 Bonds shall be issued substantially in the form in the forms and upon the terms set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof, provided, however, that the maturities of the Series 2006 Bonds, the interest rates thereon, the rights of optional or mandatory redemption with respect thereto and the principal amount of the Series 2006 Bonds shall all be as set forth in the final form of Indenture to be approved, executed and delivered by the officers of the Issuer authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery. The Finance Officer is authorized and directed to prepare and execute the Series 2006 Bonds as prescribed in the Indenture and to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by the Indenture, for authentication, registration and delivery to the Original Purchaser. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and the regularity of the issuance thereof.

6. The Series 2006 Bonds may be issued in book-entry form in accordance with the terms of the Indenture. All Series 2006 Bonds not issued in book-entry form shall be executed by the facsimile signatures of the Finance Officer and the facsimile of the official seal of the Issuer shall be imprinted thereon. The Trustee is hereby appointed authenticating agent. All Series 2006 Bonds not issued in book-entry form shall contain an authentication certificate, to be executed by the Trustee as authenticating agent.

7. The Issuer hereby consents to the circulation by the Original Purchaser of the Preliminary Official Statement, in form substantially similar to the form on file with the City Clerk, with respect to offering the Series 2006 Bonds for sale; provided, however, that the Issuer has not participated in the preparation of the Preliminary Official Statement or independently verified the information in the Preliminary Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

8. In the absence of the Finance Officer, the Series 2006 Bonds and any of the other documents authorized by this Resolution to be executed and delivered, may be executed and delivered by the Assistant Finance Officer in place of the Finance Officer, or such other officers of the Issuer as, in the opinion of Issuer's Counsel, have authority to execute and deliver such documents.

9. In case any one or more of the provisions of this Resolution, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, or the Series 2006 Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, or the Series 2006 Bonds, but this Resolution, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, and the Series 2006 Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

10. The Series 2006 Bonds shall contain a recital that the Series 2006 Bonds are being issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Series 2006 Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota relating to the adoption of this Resolution, to the issuance of the Series 2006 Bonds and to the execution of the Loan Agreement, the Bond Purchase Agreement, the Assignments, and the Indenture to happen, to exist, and to be performed precedent to and in the adoption of this Resolution and precedent to the issuance of the Series 2006 Bonds and precedent to the execution of the Loan Agreement, the Bond Purchase Agreement, the Assignments, and Indenture have happened, do exist and have been performed as so required by law.

11. The Members of the City Council, attorneys, and other agents or employees of the Issuer are hereby authorized to do all acts and things required of them by or in connection with this Resolution, the Series 2006 Bonds, the Loan Agreement, the Bond Purchase Agreement, the Assignments, and the Indenture for the full, punctual and complete performance of all the terms, covenants, and agreements contained therein.

12. The Mayor, City Clerk, Finance Officer, and other officers of the Issuer are hereby authorized and directed to prepare and furnish to Fredrikson & Byron, P.A., bond counsel, to the Company, to the Trustee, to the Original Purchaser, and to counsel of such parties, certified copies of all proceedings and records of the Issuer relating to the Project and the Series 2006 Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements contained therein.

13. The designation of Wells Fargo Bank Minnesota, National Association, in Minneapolis, Minnesota, as Trustee is hereby approved.

14. The Trustee is hereby appointed as Bond Registrar for the Series 2006 Bonds pursuant to the Indenture.

15. Terms not otherwise defined in this Resolution, but defined in the Indenture, shall have the same meanings in the Resolution as provided in the Indenture.

16. In the event any conflict or conflicts between the provisions of this Resolution and of any prior ordinances, resolutions, orders or parts thereof, the provisions of this Resolution shall prevail.

17. This Resolution shall be effective upon publication in the official newspaper of the City of Minneapolis.

18. The Series 2006 Bonds are hereby designated as "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having under consideration the issuance of bonds for the Mount Olivet Careview Home to refinance revenue bonds previously issued by the City with respect to a 153-bed skilled nursing facility at 5517 Lyndale Ave S, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$3,100,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds Series 2006, for Mount Olivet.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 2/10/06.

Resolution 2006R-043, giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Mount Olivet Careview Home, 5517 Lyndale Ave S, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-043**  
**By Goodman**

**Giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Mount Olivet Careview Home (the “Company”), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended (“Chapter 595”), the City Council of the City of Minneapolis, Minnesota (the “City”) established the Minneapolis Community Development Agency (the “Agency”) and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a refunding revenue bond in an amount not to exceed \$3,100,000 (the “Bond”) to refund revenue bonds previously issued by the City with respect to Company’s 153-bed skilled nursing facility located at 5517 Lyndale Avenue South in the City (the “Project”); and

Whereas, the property included in the Project is owned by the Company, which is a Minnesota nonprofit corporation; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 4.50% per annum, shall have a final maturity date not later than December 1, 2021, and shall have such other terms as required or permitted by the Agency’s resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$3,100,000 for the purpose of refinancing the Project.

Be It Further Resolved that the Bond is hereby designated as a “Program Bond” and is determined to be within the “Economic Development Program” and the “Program,” all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having under consideration the redevelopment proposal of The Lander Group for 3800 Nicollet Ave S consisting of a mixed-use project incorporating retail and office space and condominiums, now recommends that City staff be authorized to continue analysis of the 38<sup>th</sup> and Nicollet Redevelopment Project proposal; negotiate terms and conditions of a redevelopment contract with the Lander Group or an affiliated entity as the general partner; and prepare a redevelopment plan and tax increment financing plan for said project, subject to final determination of project eligibility, required reviews, public input, notices and hearings.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having been informed that the City has requested, and the Metropolitan Council has approved, a one-year extension of the 2000 Metropolitan Livable Communities Act Livable Communities Demonstration Account and Supplemental Transit Funding Grant Agreement for Grant #SG-000-134 Hiawatha-Lake Transit Oriented Development, now recommends that the proper City officers be authorized to execute the Second Amendment and Extension of Metropolitan Livable Communities Act Livable Communities Demonstration Account and Supplemental Transit Funding Grant Agreement for Grant #SG-000-134 Hiawatha-Lake Transit Oriented Development, to extend the grant expiration date to June 30, 2006.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having under consideration the redevelopment proposal for property in the vicinity of the southeast corner of Penn and Lowry Aves, now recommends:

a) That the proper City officers be authorized to negotiate the terms of a redevelopment agreement and a land sale for City-owned real property at the Penn-Lowry site with Wellington Management, Inc., as set forth in the report of the Department of Community Planning & Economic Development;

b) That City staff be directed to establish productive negotiations and completed terms within six months of final approval of Council action;

c) That City staff be directed to pursue the following conditions and incorporate agreed to conditions into the redevelopment terms:

1) That the placement of proposed ALDI grocery be moved on the site plan towards either Penn or Lowry Aves.

2) The developer should increase the height of the development at the corner of Penn and Lowry and along the street face of both avenues if possible. This height should not be less than a two-story look.

3) A housing component should be added to the development, at least along the Oliver Avenue street face and if possible vertically-integrated into the development. Housing should maximize market-rate ownership opportunities.

4) Buildings that address Penn and Lowry Aves should have real windows and entrances.

5) If possible and not the detriment of the moving the development forward, the developer should work with the owner of Union Liquor to move it from its current location into the new development to improve the likelihood of a development on the northwest corner of the intersection.

Adopted 2/10/06.

**Comm Dev** – Your Committee, having under consideration the sale by the University of Minnesota of the Supercomputer Center at 1200 Washington Ave S, now recommends:

a) That the City waive its right of first refusal to acquire 1200 Washington Ave S;

b) Release of the property from any remaining covenants, terms and conditions under the redevelopment agreement and deed; and

c) That the proper City officers be authorized to execute a Declaration of Restrictive Covenants relative to the mined space parcel below 1200 Washington Ave S and such other instruments or agreements as are necessary to implement the actions identified in the report of the Department of Community Planning & Economic Development.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06).

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the Humboldt Greenway Project and repayment of grant funds which provided second mortgage assistance to low and moderate income Humboldt Greenway buyers, now recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$239,935 to reflect the receipt of funds.

Adopted 2/10/06.

**RESOLUTION 2006R-044**  
**By Goodman and Johnson**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants & Loans Program Fund (SMN0-890-8952) by \$239,935 from existing fund balance.

Adopted 2/10/06.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**HE&E & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to accept \$13,275 from the Friends of the Skyway Senior Center to provide tax services to low income adults. Further, passage of the accompanying Resolution appropriating \$13,275 to the Department of Health & Family Support.

Adopted 2/10/06.

Absent - Goodman.

**RESOLUTION 2006R-045**  
**By Benson and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8607) by \$13,275 and increasing the Revenue Source (060-860-8607 - Source 3215) by \$13,275.

Adopted 2/10/06.

Absent - Goodman.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Epigmenio G Pliego, dba El Paraiso Restaurant, 3501 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that an On-Sale Wine Class E License be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/10/06.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 2/10/06.

Resolution 2006R-046, granting applications for Liquor, Wine and Beer Licenses, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-046**

**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**On-Sale Liquor Class A with Sunday Sales, to expire March 10, 2006**

Food and Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises, March 10, 2006, 7:00 p.m. to 2:00 a.m.)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2007**

White Lily Restaurant Limited, dba White Lily Restaurant Limited, 2600 Nicollet Av (new business)

**Temporary On-Sale Liquor**

Minnesota Public Radio, dba Minnesota Public Radio, 480 Cedar St, St. Paul (February 24, 2006, 4:00 p.m. to 9:00 p.m.; February 25, 2006, 11:00 a.m. to 7:00 p.m.; and February 26, 2006, 11:00 a.m. to 5:00 p.m.).

Adopted 2/10/06.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 2/10/06.

Resolution 2006R-047, granting applications for Business Licenses, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-047**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 10, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270966):

Amusement Devices; Bed & Breakfast Facility; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Caterers; Confectionery; Food Distributor; Grocery; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Lodging House; Lodging House with Boarding; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Steam & Hot Water Systems Installer; Secondhand Goods Class B; Sign Hanger; Suntanning Facility; Taxicab Vehicle; Combined Trades; and Wrecker of Buildings Class B.

Adopted 2/10/06.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 2/10/06.

Resolution 2006R-048, granting applications for Gambling Licenses, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-048**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Class A**

American Legion Post 99, dba American Legion Post 99, 5600 34th Av S (Site: American Legion Post 99, 5600 34th Av S)

**Gambling Lawful Exempt**

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle March 5, 2006 at State Theatre, LaSalle Plaza, 805 Hennepin)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle, Pulltabs April 2, 2006)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle and Paddlewheel April 2, 2006)

Oak Hill Montessori, dba Oak Hill Montessori, 4335 Hodgson Rd, Shoreview (Raffle April 8, 2006 at Atlas Grille, 200 S 6th St)

Children's Health Care, dba Children's Health Care, 2525 Chicago Av S (Raffle April 29, 2006 at The Depot, 225 3rd Av S)

North Memorial Health Care, dba North Memorial Health Care, 3300 Oakdale Av N, Robbinsdale (Raffle May 7, 2006 at Hilton, 1001 Marquette Av)

Minneapolis Police Federation Charities, dba Minneapolis Police Federation Charities, 1811 University Av NE (Raffle July 27, 2006 at 1029 Bar, 1029 Marshall St NE)

Big Brothers/Sisters of the Greater Twin Cities, dba Big Brothers/Sisters of the Greater Twin Cities, 2550 University Av, St. Paul (Raffle February 11, 2006 at Minneapolis Hilton, 1001 Marquette Av)

Hope Chest for Breast Cancer, dba Hope Chest for Breast Cancer (3850 Shoreline Dr S, Wayzata (Raffle February 15, 2006 at Whiskey Junction, 901 Cedar Av S).

Adopted 2/10/06.

**PS&RS** - Your Committee, having under consideration the renewal application submitted by Uptown Amoco, 2700 Hennepin Av, for Tobacco Dealer, Grocery and Gasoline Filling Station Licenses, and having held a hearing to consider whether adverse license action should be taken for violating Section 259.15 of the Minneapolis Code of Ordinances for non-payment of administrative citations, now recommends that said license renewals be denied.

Samuels moved to amend the report by deleting the word "denied" and inserting in lieu thereof "granted". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/10/06.

**PS&RS** - Your Committee, to whom was referred back on December 23, 2005 reports relating to noisy and unruly assemblies, now recommends the following:

a. that the accompanying ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Noise* defining noisy and unruly assemblies; providing for criminal, civil and administrative enforcement of violations related to noisy and unruly assemblies; and establishing a notification system applicable to noisy and unruly assemblies be given its second reading for amendment and passage.

b. that on March 1, 2007 or as soon thereafter as is practicable, the Police Department shall conduct a review of the administrative enforcement process established in Section 389.65(c) to ensure its fair and equal administration. The Police Department is instructed, as follows:

1. to assess the costs of managing the administrative enforcement provisions established in Section 389.65(c).
2. to assess the revenues raised from administrative citations issued pursuant to Section 389.65(c).
3. to assess the success or lack thereof of the administrative enforcement process established in Section 389.65(c).
4. to document in map form the properties to which the administrative enforcement process established in Section 389.65(c) were applied.
5. to document any other information the Police Department believes would assist in the evaluation of the administrative enforcement process established in Section 389.65(c).
6. to provide the above information in writing to the Chair of the Public Safety & Regulatory Services Committee within 60 days of the implementation of the review process.

c. that the accompanying ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process* authorizing the hearing officer to hear an appeal of the issuance of a notice of noisy or unruly assembly be given its second reading for amendment and passage.

d. passage of the accompanying resolution approving the adoption of scheduled civil fines for administrative violations of Minneapolis Code of Ordinances Section 389.65(c)(1) relating to noisy or unruly assemblies.

e. passage of the accompanying resolution amending Resolution 2004R-367 entitled “approving the adoption of a consolidated and amended Schedule of Civil Fines for Administrative Offenses”, passed August 20, 2004.

Ostrow moves to amend Section 389.65(c)(1)(c) of the ordinance by deleting the language “dwelling unit, defined in section 244.40” and inserting in lieu thereof the word “premises”, and adding a new Section 389.65(c)(1)(d) entitled “Applicability to multiple dwellings and duplexes”, to read as follows:

“d. Applicability to multiple dwellings and duplexes. Notwithstanding subdivision (c)(1)(c) of this section, when a noisy or unruly assembly occurs on a premises on which any multiple dwelling, defined in section 244.40, or duplex is located, an administrative citation shall be issued pursuant to this section only if one the following circumstances has occurred:

1. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in the same dwelling unit in which the incident occurred that forms the basis for the administrative citation;
2. A previous notice of noisy or unruly assembly has been served and remains valid for an incident in which any resident or guest of a resident participated, and that same resident or guest of a resident also participated in the incident that forms the basis for the administrative citation; or
3. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in any nondwelling structure, common area, outdoor area, or other nondwelling area of the premises, and the incident that forms the basis for the administrative citation also occurred in any one of these areas.” Seconded.

Adopted upon a voice vote.

The report, with amended ordinance, was adopted 2/10/06.

Ordinance 2006-Or-005 amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: Noise*, amending Section 389.30 and 389.65 to define noisy and unruly assemblies; providing for criminal, civil and administrative enforcement of violations related to noisy and unruly assemblies; and establishing a notification system applicable to noisy and unruly assemblies, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-005**  
**By Ostrow**  
**Intro & 1st Reading: 11/4/05**  
**Ref to: PS&RS**  
**2nd Reading: 2/10/06**

**Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Noise.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 389.30, definitions, be amended by amending the definition of *Noisy Assembly* and adding *Reasonable and necessary actions* to read as follows:

**389.30. Definitions.** The following terms whenever used in this article shall have the following respective meanings:

*Noisy or unruly assembly:* For the purposes of sections 389.65 (c)(1) and 389.65 (c)(2), the term “noisy or unruly assembly” shall mean a gathering of more than one person in a residentially zoned or used area or building between the hours of 10:00 p.m. and 6:00 a.m. whose noisy or illegal conduct that would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area considering the time of day and the residential character of the area. Noisy or unruly assemblies may include, but are not limited to, those involving excessive noise, obstruction of public ways by crowds or vehicles, consumption of alcohol by minors, provision of alcohol to minors, fighting, disturbing the peace, disorderly conduct, littering, and public urination or defecation.

*Reasonable and necessary actions:* Those actions that would firmly convince a reasonable person that the frequency and severity of future noisy or unruly assemblies, as defined in this section and applied in section 389.65 of this Code, would be substantially reduced.

Section 2. That Section 389.65 (c) of the above-entitled ordinance be amended to read as follows:

**389.65. Public nuisance noise.**

(c) Activities which constitute a public nuisance. The following acts are violations of this section, subject to enforcement through criminal, civil and administrative means, without reference to the standards of paragraphs (a) and (b) of this section, with the exception of section 389.65 (b) (13), namely:

(1) *Noisy or unruly assembly.* Participating in, conducting, visiting, or remaining at a gathering knowing or having reason to know that the gathering is a noisy or unruly assembly, as defined in section 389.30, except person(s) who have come to the gathering for the sole purpose of abating the disturbance.

a. The premises at which a noisy or unruly assembly occurs shall additionally be subject to a notice of noisy or unruly assembly as further described in this section.

b. A notice of noisy or unruly assembly shall be sent within ten business days via first class mail to the owner and/or rental license holder of record of any premises at which a noisy or unruly assembly is determined to have taken place by the Minneapolis Police Department. The Minneapolis Police Department may, upon determining that the issuance of a notice would be contrary to public policy, refrain from such issuance when emergency services were

summoned by a person taking part in the noisy or unruly assembly, or when the noisy or unruly assembly was created primarily by the occurrence of an incident of domestic abuse, as that term is defined in Minnesota Statute Section 518B.01, or wholly through the actions of uninvited

1. Each notice of noisy or unruly assembly shall state that a noisy or unruly assembly has occurred on the premises; the date, time and nature of the noisy or unruly assembly; and that the owner, rental license holder or landlord may be issued an administrative citation should police respond to any additional noisy or unruly assemblies within 180 days of the date of the noisy or unruly assembly which triggered the notice. Each notice shall further state the date of expiration for the notice, which shall be 180 days from the date of the noisy or unruly assembly which triggered the notice. The notice shall direct the owner, rental license holder or landlord to take steps to ensure that the premises are not used for additional noisy or unruly assemblies.
2. Right to contest issuance of notice. An owner, rental license holder or landlord who receives a notice may contest its issuance by requesting an administrative hearing pursuant to Chapter 2 of this Code. The hearing shall proceed pursuant to and be governed by the administrative hearing procedures of Chapter 2. At the hearing, the city shall bear the burden of proving by a preponderance of the evidence that a noisy or unruly assembly occurred and that the issuance of the notice was justified pursuant to the provisions of this chapter. Should the owner, rental license holder or landlord of the property affirmatively demonstrate that the issuance was based wholly upon the actions of uninvited guests or trespassers, the notice shall be deemed invalid and rescinded. An owner, rental license holder or landlord who receives a notice, may at any time petition the designated agent of the Minneapolis Police Department for a written order rescinding the notice on the grounds that he or she has taken reasonable and necessary actions, as defined in section 389.30, to prevent the occurrence of subsequent noisy or unruly assemblies. The designated agent of the Minneapolis Police Department may grant or deny the request for good cause. A denial of such a request may be contested by requesting an administrative hearing pursuant to Chapter 2 of this Code. At the hearing, the petitioner shall bear the burden of proving by a preponderance of the evidence that the petitioner has taken reasonable and necessary actions to prevent subsequent noisy or unruly assemblies at the premises. Each notice of noisy or unruly assembly shall contain a recitation of these appeal rights. In any event, the notice shall be rescinded upon the presentation of adequate verification to the Minneapolis Police Department of the final departure from the unit that triggered the notice of every resident living in that unit at the time of the incident that formed the basis for the notice.
3. The criminal, civil or administrative enforcement of this section shall not preclude any additional enforcement or application of any other provisions of this Code, including but not limited to Section 244.2020, Conduct on licensed premises or Section 244.1940, Denial; non-renewal; revocation; suspension.
- c. Administrative enforcement. When the police department, fire department or other emergency response personnel respond to a noisy or unruly assembly at the same premises within 180 days of the date of any previous noisy or unruly assembly for which a notice of noisy or unruly assembly was served and remains valid, the owner, rental license holder or landlord of the premises shall be issued an administrative citation pursuant to Chapter 2 of this Code in an amount as specified in the schedule of civil fines as adopted by resolution of the city council. However, in no case shall any such citation be issued pursuant to this section for any noisy or unruly assembly occurring within 21 days of the mailing of the notice.

d. Applicability to multiple dwellings and duplexes. Notwithstanding subdivision (c)(1)(c) of this section, when a noisy or unruly assembly occurs on a premises on which any multiple dwelling, defined in section 244.40, or duplex is located, an administrative citation shall be issued pursuant to this section only if one the following circumstances has occurred:

1. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in the same dwelling unit in which the incident occurred that forms the basis for the administrative citation;
  2. A previous notice of noisy or unruly assembly has been served and remains valid for an incident in which any resident or guest of a resident participated, and that same resident or guest of a resident also participated in the incident that forms the basis for the administrative citation; or
  3. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in any nondwelling structure, common area, outdoor area, or other nondwelling area of the premises, and the incident that forms the basis for the administrative citation also occurred in any one of these areas.
- (2) *Permitting noisy or unruly assembly.* Knowingly permitting real estate under one's care or control to be used for a noisy or unruly assembly, as defined in section 389.30.
  - (3) *Horns and other signal devices.* The sounding of any horn or signal device on an automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal or traffic warning.
  - (4) *Keeping animals or birds.* The keeping of any animal or bird which causes long, frequent, and/or continuous noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.
  - (5) *Operation of vehicles.* The use of any automobile, pickup truck, motorcycle, or other vehicle which is not reasonably maintained and which causes noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.
  - (6) *Amplified sound from vehicles.* Except as provided in section 389.105, the playing or operation, or permitting the playing, use or operation, of any radio, tape player, disc player, loud speaker, or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle being operated on a public street or alley, or in commercial or residential parking facilities, which is audible by any person from a distance of fifty (50) feet or more from the vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is in violation of this section. If the motor vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is in violation of this section. In addition to an owner or a driver, any person who controls or assists with the production of sound violating this section is in violation of this section. Violation of this subsection is a misdemeanor. A first violation of this subsection is punishable by a fine not to exceed five hundred dollars (\$500.00), a second violation is punishable by a fine not to exceed seven hundred dollars (\$700.00), and a third violation is punishable by a fine to the maximum amount.
  - (7) *Amplified sound.* The playing or operation, or permitting the playing, use or operation, of any radio tape player, loud speaker or other electronic device used for the amplification of sound (except as specifically permitted under section 389.105) located inside or outside, the sound of which carries to points of habitation on adjacent properties, and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the amplified sound.

Adopted 2/10/06.

Ordinance 2006-Or-006 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending Section 2.100 to authorize the hearing officer to hear an appeal of the issuance of a notice of noisy or unruly assembly, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-006**  
**By Ostrow**  
**Intro & 1st Reading: 11/4/05**  
**Ref to: PS&RS**  
**2nd Reading: 2/10/06**

**Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to the  
General Provisions: Administrative Enforcement and Hearing Process.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 2.100 (g) of the above-entitled ordinance be amended to read as follows:

**2.100. Administrative hearing procedures.**

(g) *Authority of hearing officer.* The hearing officer will have the authority to:

(1) Mediate and enforce a settlement of the dispute;

(2) Hear an appeal of the issuance of a notice of noisy or unruly assembly under Section 389.65 and either uphold or rescind the issuance of the notice;

~~(2)~~(3) Determine whether a violation occurred;

~~(3)~~(4) Dismiss the administrative citation;

~~(4)~~(5) Impose the scheduled fine;

~~(5)~~(6) Reduce, stay, or waive a scheduled fine upon compliance with appropriate conditions;  
or

~~(6)~~(7) Increase the scheduled fine when the actual costs of enforcement are shown by a preponderance of the evidence to be greater than the amount of the scheduled fine.

Adopted 2/10/06.

Resolution 2006R-049, approving the adoption of scheduled civil fines for administrative violations of Minneapolis Code of Ordinances Section 389.65(c)(1) relating to noisy or unruly assemblies, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-049**  
**By Ostrow**

**Approving the adoption of scheduled civil fines for administrative violations of Minneapolis  
Code of Ordinances Section 389.65(c)(1) relating to noisy or unruly assemblies.**

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances (hereinafter "Code") which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the scheduled civil fine for participating in a noisy or unruly assembly in violation of Section 389.65(c)(1) of the Code shall be set at \$150 and that a second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

Be It Further Resolved that the scheduled civil fine for violation of a noisy or unruly assembly notice pursuant to Section 389.65(c)(1)(c) of the Code shall be set at \$200 and that a second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

Adopted 2/10/06.

Resolution 2006R-050, amending Resolution 2004R-367 entitled "approving the adoption of a consolidated and amended Schedule of Civil Fines for Administrative Offenses", passed August 20, 2004, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-050**  
**By Ostrow**

**Amending Resolution 2004R-367 entitled "approving the adoption of a consolidated and amended Schedule of Civil Fines for Administrative Offenses", passed August 20, 2004.**

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas, Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses; and

Whereas, on August 20, 2004 the City Council adopted a consolidated schedule of civil fines for all violations of the Code subject to administrative enforcement by any authorized City employee;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Schedule of Civil Fines for Administrative Offenses be amended to include a civil fine for participating in a noisy or unruly assembly, and for violation of a noisy or unruly assembly notice.

Be It Further Resolved that the following Schedule of Civil Fines, as amended, be adopted, to read as follows:

**SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES**

Updated by City Council 2/10/06

Unless otherwise specified as a large venue or special event in the following schedule, the civil fine for an administrative offense enforced pursuant to Chapter 2 of the Minneapolis Code of Ordinances is \$200.

A second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

<b>Description of Violation</b>	<b>Code Citation</b>	<b>Fine</b>
<b>Title 10 – Food Code</b>		
Conducting or Operating a Food Establishment without a License	188.160	\$250
No Glass Outside After 11 PM in Downtown	188.540 (9)	\$100
<b>Title 11 – Health and Sanitation</b>		
Possessing Drug Paraphernalia in a Public Place	223.235	\$240
Public Urination	227.180	\$80
<b>Title 12 – Housing</b>		
Graffiti – Defacement of Property	244.495 (a)	\$240
<b>Title 13 – Licenses and Business Regulations</b>		
Operating a Business without a Required License (excluding Pawnshops and Precious Metal Dealers)	Chapters 266 - 350 excluding Chapters 322, 324	\$250
Operating as a Precious Metal Dealer without a Required License	322.20	\$500
Operating as a Pawnshop without a Required License	324.30	\$500
Taxi – Violation of Driver Prohibited Acts	341.250	\$250
Taxi – No Driver’s Licenses	341.340	\$250
Taxi – Operate a Taxi without a License	341.480	\$250
Taxi – Defective / Unsealed Meter	341.790	\$250
<b>Title 14 – Liquor and BeerGeneral</b>		
No Ropes/Stanchions for Sidewalk Café with Liquor	360.15 (3)	\$100
Music Emanating Beyond Confines of Business	360.55	\$100
Liquor Establishment – Litter within 100 Feet of Lot Lines	360.95	\$100
No Glass Outside After 9 PM in Downtown	360.100 (k)	\$100
Failure to Post Sign Warning Pregnant Women of Effects of Alcohol, Blood Alcohol Chart, and Consequences of Driving Under the Influence	360.110	\$100
No Business License – License Required		\$500
Liquor License Required	362.10	
Wine License Required	363.20	
Beer License Required	366.10	
All Liquor Licenses shall be Posted in a Conspicuous Place	362.460	\$100
Premises to be Open to Inspection	362.490	\$500
Furnishing Liquor to Minors, not Large Venues or Special Events	364.10	\$500
Sales to Obviously Intoxicated Parties	364.30	\$500
Consumption in Public	364.40	\$80
Loitering in Possession of an Open Bottle	364.45	\$80
No Consumption of Liquor on Premises between 2:30 a.m. and 8:00 a.m.	364.85	\$500
Unauthorized Persons on Premises between 2:30 and 5:00 a.m.		\$250
“On Sale” Liquor License	364.100	
Wine or Beer License	368.70	
“On-Sale” Premises without Special Licenses to Close Certain Hours	364.100	\$250
“Spiking” Prohibited	368.20	\$250
Club Sales to Non-Members	368.50	\$250
Sale of Liquor to a Minor	370.10	\$500
Sales or Service by a Minor	370.20	\$500
Consumption by a Minor	370.40	\$160

Withholding of Pertinent Licensing Information on Application		\$200
Renewal	362.110	
New	362.120	
Large Venue and Special Events		Each Incident (I) <sup>(1)</sup>
Special Events: 1 to 10 points of sale (1 incident/sale to minor to be a violation/compliance failure)	364.10	\$500
Special Events: 11 or more points of sale (2 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 30 to 50 points of sale (2 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 51 to 75 points of sale (3 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 76 to 100 points of sale (4 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 101 to 150 points of sale (5 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 151 to 200 points of sale (6 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 201 or more points of sale (7 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
<b>Title 15 – Offenses - Miscellaneous</b>		
Loitering	385.50	\$240
Aggressive Solicitation	385.60	\$80
Lurking	385.80	\$240
Noise – Amplified Sound from Vehicles	389.65 (c)(6)	\$80
Noisy/Unruly Assembly; Participating in, Conducting, Visiting, Remaining at or Permitting	389.65(c)(1)	\$150
Noisy/Unruly Assembly; Owner, Rental License Holder or Landlord	389.65(c)(1)(c)	\$200
Noise – No Amplified Sound Permit	389.105	\$250
<b>Title 17 – Streets and Sidewalks</b>		
Littering	427.30	\$80
<b>Title 18 – Traffic Code</b>		
Vehicles Displayed for Sale on Public Street	478.70	\$50
Commercial/Overweight Vehicle Parked in Residential Zone	478.240	\$50
<b>Title 20 - Zoning Code</b>		
Prohibited Home Occupation	535.460	\$250
Commercial Vehicle Parked in Residential Zone	546.80	\$50
Business Open After Hours		\$250
Residence Districts	546.60	
Office Residence Districts	547.60	

C1 Neighborhood Commercial Districts	548.240
C2 Neighborhood Corridor Commercial Districts	548.300
C3A Community Activity Center District	548.360
C3S Community Shopping Center District	548.420
C4 General Commercial District	548.480
Downtown Districts	549.60
Industrial Districts	550.90

(1) signifies incidents of sales to underage parties.  
Adopted 2/10/06.

**PS&RS** - Your Committee, having under consideration the property located at 2630 Penn Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 8, Block 5, Supplement to Forest Heights according to the recorded plat thereof and situated in Hennepin County (PID #09-029-24-33-0118), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 2/10/06.

**PS&RS** - Your Committee, having under consideration the property located at 2822 15th Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 5, Block 2, Merriam and Shaws Addition to Minneapolis according to the recorded plat thereof and situated in Hennepin County (PID #35-029-24-43-0067), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 2/10/06.

**PS&RS** - Your Committee, having under consideration the property located at 3435 Cedar Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on December 23, 2004 having authorized the owner to rehabilitate the structure no later than July 31, 2005 subject to certain conditions, now recommends that the deadline for completion of rehabilitation of the property be extended to April 1, 2006.

Adopted 2/10/06.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$96,628 and execute a contract amendment with Pillsbury United Communities to fund overtime or other police services as deemed necessary to fulfill the goals of the Central Weed and Seed Steering Committee and work toward the 2006 work plan. Further, passage of the accompanying Resolution appropriating \$96,628 to the Police Department.

Adopted 2/10/06.

**RESOLUTION 2006R-051**  
**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$96,628 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$96,628.

Adopted 2/10/06.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a no-cost amendment to the grant agreement with Pillsbury United Communities to extend the grant period to permit time to expend all grant funds for overtime or other police services as deemed necessary to fulfill the goals of the Central Weed and Seed Steering Committee and work toward the 2005/2006 work plan.

Adopted 2/10/06.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept an "Operation Nightcap" grant award of \$15,000 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program in cooperation with the State Patrol, University of Minnesota Police and the Hennepin County Sheriff. The grant will reimburse overtime costs to officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying Resolution appropriating \$15,000 to the Police Department.

Adopted 2/10/06.

**RESOLUTION 2006R-052  
By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$15,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$15,000.

Adopted 2/10/06.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Hennepin County/Minneapolis Drug Task Force, now recommends that the proper City Officers be authorized to:

a. accept a 2006 Drug Task Force Grant award of \$210,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention, to fund overtime, training and equipment to the Police Department to combat sales and production of drugs. A matching requirement of \$70,000 shall be contributed jointly by Hennepin County and the Police Department, payable from the Police Special Revenue Fund.

b. execute a Joint Powers Agreement on the operation of the Drug Task Force, including compensation of up to \$77,000 in grant funding to be shared with the Hennepin County Sheriff.

c. passage of the accompanying Resolution appropriating \$210,000 to the Police Department.

Adopted 2/10/06.

**RESOLUTION 2006R-053  
By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$210,000 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$210,000.

Adopted 2/10/06.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #6526 (Petr No 270969) submitted by Over the Top, Inc, for an estimated expenditure of \$80,000, to furnish and deliver all labor, materials, equipment and incidentals necessary for weed cutting and related services - North District during the period January 1, 2006 through December 31, 2007, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. Further, that the proper City Officers be authorized to execute a contract for said service.

Adopted 2/10/06.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the 2005 Urban Area Security Initiative Federal Grant, now recommends:

a. approval to accept a grant award of \$2,305,365 to allow the City of Minneapolis to address a number of areas to improve homeland security and work toward preventing a terrorist attack. The City will be enhancing the capabilities of the Police Department, target hardening the Minneapolis Convention Center and the Minneapolis City Hall building, purchasing a backup 911 system for the Computer Aided Dispatch system, and hiring a grant administrator and weapons of mass destruction trainer.

b. passage of the accompanying Resolution approving appropriations to share funding amongst the Fire, Police, Emergency Communications Center, Municipal Building Commission, and the Minneapolis Convention Center.

c. execute any other sub-recipient agreements necessary to implement the project.

Adopted 2/10/06.

**RESOLUTION 2006R-054**  
**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$425,199 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$425,199.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT09) by \$449,250 and increasing the Revenue Source (030-400-DT09 - Source 3210) by \$449,250.

c. increasing the appropriation for the Emergency Communication Center Agency in the Grants - Federal Fund (030-830-8300) by \$1,000,000 and increasing the Revenue Source (030-830-8300 - Source 3210) by \$1,000,000.

d. increasing the appropriation for the Municipal Building Commission Agency in the MBC - Capital Improvements Fund (420-901-9012) by \$330,590 and increasing the Revenue Source (420-901-9012 - Source 3210) by \$330,590.

e. increasing the appropriation for the Convention Center Agency in the Grants - Federal Fund (030-MCC-MCCF) by \$100,326 and increasing the Revenue Source (030-MCC-MCCF - Source 3210) by \$100,326.

Adopted 2/10/06.

(Republished 11/11/2006)

The **TRANSPORTATION & PUBLICS WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the sale of excess City-owned land located at 3802 Calhoun Pkwy W, legally described as part of Lots 1 and 2, Block 10, Cottage City, and having held a public hearing thereon, now recommends:

- a) Approving the sale of said parcel for \$40,000 to the adjacent owner, Biltmore Land Group, LLC, according to the terms of the purchase agreement;
- b) Authorizing the proper City officers to execute a Quit Claim Deed to convey the property to the buyer and sign any other documents necessary to facilitate the sale;
- c) Directing that a conservation easement be reserved on the parcel to prevent future building and preserve the area as green space; and
- d) Directing that the sale proceeds be used to reimburse Public Works for the associated expenses of selling the property, with the remaining balance deposited into the PW-General Services-Capital Agency in the Property Disposition/Lands and Buildings Fund (6200-923-9242).

Adopted 2/10/06.

**T&PW** - Your Committee, having under consideration the construction of a new Fire Station No. 14 (2002 Lowry Av N), now recommends that the proper City officers be authorized to execute Change Order No. 2, increasing Contract No. C-21859 with Rochon Corporation by \$65,593, for a revised contract total of \$3,239,058, to allow for construction contingencies included as part of the original project budget. No additional appropriation required.

Adopted 2/10/06.

**T&PW** - Your Committee, having under consideration the Railroad Crossing Safety Program, now recommends passage of the accompanying resolution vacating and discontinuing the Soo Line Railroad at-grade crossing at Benjamin St NE.

Adopted 2/10/06.

Resolution 2006R-055, vacating the Soo Line Railroad Company (d/b/a Canadian Pacific Railway Company) Crossing, Grade Crossing USDOT NO. 688991B, RAILROAD MILEPOST 5.37, in the City of Minneapolis at Benjamin Street Northeast, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-055**

**By Colvin Roy**

**Vacating the Soo Line Railroad Company (d/b/a Canadian Pacific Railway Company) Crossing, Grade Crossing USDOT NO. 688991B, RAILROAD MILEPOST 5.37, in the City of Minneapolis at Benjamin Street Northeast.**

Whereas, the Minneapolis City Council has considered vacating the Railroad Crossings at Benjamin Street Northeast in the City of Minneapolis; and

Whereas, the City of Minneapolis requires neighborhood input concerning the closure of the intersection of Benjamin Street Northeast at the Soo Line Railroad; and

Whereas, the City of Minneapolis conducted a neighborhood meeting on the proposed vacation and closure at Waite Park School on March 31, 2005; and

Whereas, the City Council decided that the vacation of the railroad crossings described herein is in the best interest of public safety;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby vacates and discontinues the railroad crossings at Benjamin Street Northeast.

Adopted 2/10/06.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute a contract with the Hennepin County Sentencing to Service Program, in an amount not to exceed \$155,000 per year, to perform routine maintenance of City-owned properties.

Adopted 2/10/06.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the 28th Av S (38th St E to 40th St E) Reconstruction Project, Special Improvement of Existing Street No. 4330, in conjunction with the Flood Area 27 Flood Mitigation Project.

Adopted 2/10/06.

Resolution 2006R-056, designating the improvement of certain existing streets in the 28th Avenue South (38th St E to 40th St E) Reconstruction Project, Special Improvement of Existing Street No 4330, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-056**

**By Colvin Roy**

**28th Avenue South (38th St E to 40th St E) Reconstruction Project  
Special Improvement of Existing Street No 4330**

**Designating the improvement of certain existing streets at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving-related improvements as needed, in conjunction with the Flood Area 27 Flood Mitigation Project:

28th Avenue South from 38th St E to 40th St E.

Adopted 2/10/06.

**T&PW** - Your Committee, having received a cost estimate of \$933,000 for street construction improvements in conjunction with the Flood Area 27 Flood Mitigation Project, and a list of benefited properties for the 28th Ave S (38th St E to 40th St E) Reconstruction Project, Special Improvement of Existing Street No. 4330, as designated by Resolution 2006R-056 passed February 10, 2006, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on May 2, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the above-designated street reconstruction project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 2/10/06.

**T&PW** - Your Committee, having under consideration the issuance of an RFP for the collection of garbage, recycling, problem materials (metals) and yard wastes for one-half of the City's dwelling units, for service beginning January 1, 2007, now recommends:

a) Extending the current contract with Minneapolis Refuse, Inc. (MRI) for six months at a rate not to exceed the current rate;

b) Appointing a Negotiating Team to negotiate with MRI to preserve high quality service at the lowest cost in this metropolitan market. The Negotiating Team shall be comprised of:

- Klara Fabry, Director of Public Works
- Susan Young, Director of Solid Waste and Recycling
- Steve Kotke, Director of Public Works for Internal Services
- Steven Bosacker, City Coordinator
- Patrick Born, City Finance Officer; and

c) That the Negotiating Team shall report back to the T&PW Committee within five Council cycles. Colvin Roy moved to substitute the following report for the above report. Seconded.

**T&PW** - Your Committee, having under consideration the issuance of an RFP for the collection of garbage, recycling, problem materials (metals) and yard wastes for one-half of the City's dwelling units, for service beginning January 1, 2007, now recommends:

a) Extend the current contract with MRI for 6 months at a rate not to exceed the current contract rate plus 2%.

b) Refer this item to the Transportation and Public Works Committee for the purpose of setting a date for and holding a public hearing, after the required public notice, to consider adopting a resolution of intent to elect to exercise the option to organize solid waste and recycling collection within the City that is not currently provided by City forces pursuant to the statutory authority and procedures set out in Minnesota Statutes, Section 115A.94 Subd. 4 rather than rely on the City's existing authority to organize collection as permitted by Minnesota Statutes, Section 115A.94 Subd. 6.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Benson, Johnson.

Nays - Samuels, Gordon, Ostrow, Schiff, Glidden, Remington, Goodman, Hodges.

Ostrow moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW** - Your Committee, having under consideration the issuance of an RFP for the collection of garbage, recycling, problem materials (metals) and yard wastes for one-half of the City's dwelling units, for service beginning January 1, 2007, now recommends:

Public Works is directed to negotiate an extension of not more than six months with MRI for the continuation of the current solid waste contract, extending the contract on identical terms and conditions to June 30, 2007.

The contract for solid waste services will be subject to a competitive Request for Proposals process and the RFP shall be issued on or before April 17, 2006. The Transportation and Public Works Committee is directed to report back to the full Council no later than March 31, 2006 with recommendations as to the requirements of the RFP. Seconded.

Benson moved to postpone to the next meeting and refer the subject matter for a Study Session. Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Benson, Johnson.

Nays - Samuels, Gordon, Ostrow, Schiff, Glidden, Remington, Goodman, Hodges.

Goodman called the question. Seconded.

Adopted upon a voice vote.

The substitute report was adopted. Yeas, 10; Nays, 3 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Glidden, Remington, Benson, Goodman, Hodges.

Nays - Lilligren, Colvin Roy, Johnson.

Ostrow moved to amend the substitute report to refer to the Transportation and Public Works Committee for the purpose of setting a date for and holding a public hearing, after the required public notice, to consider adopting a resolution of intent to elect to exercise the option to further organize solid waste and recycling collection within the City by considering expansion of organized collection to include residential properties with more than four (4) units, commercial properties and properties in the downtown core and to follow the process and procedures set out in Minnesota Statutes, Section 115A.94 Subd. 4. Seconded.

Adopted upon a voice vote.

Samuels moved to amend the substitute report by adding the following staff direction:

"Whereas it is a goal of the City Council to ensure that women-owned and minority-owned businesses have an equal opportunity to compete to provide solid waste collection services, Public Works is directed to divide the portion of the City where garbage is not collected by City employees into not more than four sectors. The RFP should allow proposals to collect garbage in up to four of these sectors." Seconded.

Ostrow moved to amend Samuels' motion by deleting the language following the phrase "Public Works is directed" and inserting in lieu thereof, "to consider these goals and to present options to the T&PW Committee to further these goals, including dividing the portion of the City where garbage is not collected by City employees into sectors." Seconded.

Adopted upon a voice vote.

Samuels' motion, as amended, was adopted upon a voice vote.

The Ostrow substitute report, as amended, was adopted 2/10/06. Yeas, 11; Nays, 2 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges.

Nays - Colvin Roy, Johnson.

**T&PW** - Your Committee, having under consideration the written request for a review by the City Council based on the written record filed by James A. Yarosh, on behalf of Custom Plastic Laminates, Inc., regarding the decision of the Public Works Director's Designee to deny Custom Plastic Laminates, Inc.'s appeal of the Stormwater Utility Fee for the property located at 1720 Marshall St NE, now recommends that said decision to deny the appeal be upheld, and that the Findings, Conclusions, and Recommendations prepared by the City Attorney's Office be adopted. (Petr. No. 270972)

Your Committee further recommends that staff be directed to explore the possibility of future Stormwater appeals being referred to a hearing officer rather than going through the T&PW Committee, and whether said procedure would be consistent with the ordinance.

Adopted 2/10/06.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lowry Av N Reconstruction Project No. 2259 (3rd St N to Girard Av N), and having held a public hearing thereon, now recommends:

- a) Passage of the accompanying resolution ordering the work to proceed and adopting the special assessments for the project; and
- b) Passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$163,425.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06)

Resolution 2006R-057, ordering the work to proceed and adopting the special assessments for the Lowry Av N Reconstruction Project (3rd St N to Girard Av N), was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-057**  
**By Colvin Roy and Ostrow**

**LOWRY AVENUE NORTH (3rd ST N TO GIRARD AV N)**  
**RECONSTRUCTION PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 2259**

**Ordering the work to proceed and adopting the special assessments for the Lowry Av N Reconstruction Project.**

Whereas, a public hearing was held on January 31, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-692, passed December 23, 2005, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-692, passed December 23, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$163,424.22 for the Lowry Av N Reconstruction Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Lowry Av N Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2007 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2007 real estate tax statements.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

Resolution 2006R-058, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$163,425 for the purpose of paying the assessed cost of street improvements in the Lowry Av N Reconstruction Project, Special Improvement of Existing Street No 2259, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-058**  
**By Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$163,425 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lowry Av N Reconstruction Project, Special Improvement of Existing Street No 2259, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lowry Av N Reconstruction Project No. 2259 (3rd St N to Girard Av N), and having held a public hearing thereon, now recommends:

a) Passage of the accompanying resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the project; and

b) Passage of the accompanying resolution ordering the City Engineer to establish No Parking Anytime restrictions on both sides of Lowry Av N, except where parking bays are provided, and to submit said resolution to the Commissioner of Transportation.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.  
(Published 2/15/06)

Resolution 2006R-059, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction project in the Lowry Av N (3rd St N to Girard Av N) area, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-059**  
**By Colvin Roy and Ostrow**

**Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction project in the Lowry Av N (3rd St N to Girard Av N) area.**

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2006 in cooperation with Hennepin County in the Lowry Av N area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on January 31, 2006 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along Lowry Av N (both sides) from 3rd St N to Girard Av N.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

Resolution 2006R-060, ordering the City Engineer to establish No Parking Anytime restrictions on both sides of Lowry Avenue North between the limits of Girard Av N and 3rd St N except where parking bays are provided; and amend the existing rush hour zones to exclude Lowry Av N between the limits of 3rd St N and Girard Av N; and establish No Parking Bus Stop Zones between the limits of 3rd St N and Girard Av N, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-060**  
**By Colvin Roy and Ostrow**

**Ordering the City Engineer to establish No Parking Anytime restrictions on both sides of Lowry Avenue North between the limits of Girard Av N and 3rd St N except where parking bays are provided; and amend the existing rush hour zones to exclude Lowry Av N between the limits of 3rd St N and Girard Av N; and establish No Parking Bus Stop Zones between the limits of 3rd St N and Girard Av N.**

Whereas, Hennepin County wishes to reconstruct Lowry Avenue North from 3rd St N to Girard Av N; and

Whereas, Minnesota Department of Transportation (MnDOT) State Aid Rule 8820 requires parking provisions to meet standard minimum widths based on design speed, functional classification and the existing average daily traffic volumes; and

Whereas, the project includes the addition of on-street bike lanes on both sides of the street, in accordance with the 2001 City of Minneapolis Bikeways Master Plan; and

Whereas, to accommodate roadway improvements including on-street bike lanes, turn lanes, medians, bus stops and streetscape improvements, the City recommends establishing parking restrictions on both sides of Lowry Av N between the limits of 3rd St N and Girard Av N, except at parking bay locations as shown on the Hennepin County Lowry Avenue Reconstruction Plan, C.P. 0302 and S.P. 27-753-11, in the City Engineer's office; and

Whereas, State Aid rules require a certified resolution documenting the requested action;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to install the parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a contract with Sebesta Blomberg & Associates, Inc., in an amount not to exceed \$260,000 without further authorization, for the engineering services required to install electrical generation equipment at the Fridley Water Works Facility. Funds are available within the project budget.

Adopted 2/10/06.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06)

**T&PW & W&M/Budget** - Your Committee, having under consideration the relocation of the George Morrison Mosaic from the IDS Center to the New Central Library site, now recommends that the proper City officers be authorized to increase Contract No. C-21002 (OP No. 6308) with Twin City Tile and Marble Company by \$57,000, for a revised contract total of \$117,000, and extending said contract to July 30, 2006.

Adopted 2/10/06.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Article IX, Section 20.580 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by changing the language to adjust the authorized "Type B" auto allowance from \$200 to \$400, with an effective date of March 1, 2006, and having held a public hearing, now recommends that said ordinance, be **sent forward without recommendation**.

Benson moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "given its second reading for amendment and passage" Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 2/10/06. Yeas, 8; Nays, 5 as follows:

Yeas - Samuels, Hofstede, Lilligren, Colvin Roy, Remington, Benson, Goodman, Johnson.

Nays - Gordon, Ostrow, Schiff, Glidden, Hodges.

Ordinance 2006-Or-007 amending Title 2, Article IX, Section 20.580 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by changing the language to adjust the authorized "Type B" auto allowance, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-007**

**By Johnson**

**Intro & 1st Reading: 12/23/05**

**Ref to: W&M/Budget**

**2nd Reading: 2/10/06**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Article IX, Automobile Allowances.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. The Section 20.580 of the above-entitled ordinance be amended to read as follows:

**20.580. Types of allowances.** There shall be two (2) types of auto allowance. Persons authorized to receive type A allowance shall be compensated and reimbursed at the rate of: The Internal Revenue Service approved rate per mile for all miles per month.

Upon approval by the department head, employees authorized to receive type A allowance but not required to use their automobiles on a regular basis shall also be compensated for parking at the rate of five dollars (\$5.00) for each day an automobile is used. Upon approval by the department head, employees authorized to receive type A allowance and required to use their automobiles on a regular basis shall at the department head's option be provided free parking at the employee's normal work site, be provided parking space in one of the municipal garages, or receive sixty-four dollars (\$64.00) each month.

In addition, all such employees shall be reimbursed for the actual cost of parking incurred while using their private (or city) vehicles on city business away from the employee's normal work site only. Such reimbursement must be verified by receipts and must be approved monthly by the employee's department head. No other reimbursement shall be permitted.

Those authorized to receive type B allowance shall be compensated and reimbursed on a lump sum basis not to exceed the sum of ~~two~~ four hundred dollars (~~\$200.00~~ \$400.00) per month. No payments under either type of allowance shall in any event exceed the departmental appropriation for such purposes.

Adopted 2/10/06.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 2/10/06.

Absent - Samuels.

Resolution 2006R-061, authorizing settlement of the legal claims of Sirad Osman Ahmed and Thomas Johnson, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-061**

**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Sirad Osman Ahmed, by payment of \$12,000 to Mr. Sirad Osman Ahmed and his attorney, Rossini & Rossini, P.A.; and

b) Thomas Johnson, by payment of \$2,000 to Mr. Thomas Johnson and his attorney, Mark C. Vandelist, Esq.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends that the City Attorney be authorized to negotiate and execute a "Master Agreement" for the period of November 1, 2005 through December 31, 2006 with the Parker Rosen LLC law firm with the cost of such agreement not to exceed \$200,000 for that period.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend Contract C-17010 with Bentley Systems, in the amount of \$102,520 for the support and maintenance of the Public Works Civil Engineering application for 2006.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with CML Emergency Services, Inc. to provide emergency 911 telephone and telecommunication services (set forth in Petn No. 270976). Funding for said services shall be through a MECC surcharge of \$150,000 per year beginning 2007 annually for the duration of the application life.

Your Committee further recommends passage of the accompanying Resolution appropriating \$1,300,000 for the cost of said services; and \$150,000 for maintenance and support.

Adopted 2/10/06.

Absent - Samuels.

#### **RESOLUTION 2006R-062**

**By Ostrow**

#### **Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By increasing the appropriation in the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$1,300,000; and increasing the revenue source (6400-880-8870 - Source 3455) by \$1,300,000; and

b) By increasing the appropriation in the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$150,000; and increasing the revenue source (6400-880-8870 - Source 3455) by \$150,000.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 2/10/06.

Absent - Samuels.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06).

Resolution 2006R-063, approving construction change orders for contracts related to the New Central Library Project, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-063**  
**By Ostrow**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 4 increasing Contract Number C-19477 with Sowles Company, d.b.a. Northwest Tower Crane by \$1,303;
- b) Change Order No. 07.002 increasing Contract Number C-20072 with Graham Penn-Co Construction, Inc. by \$68,243;
- c) Change Order No. 10 increasing Contract Number C-20366 with Egan Companies, Inc., d.b.a. Egan Mechanical by \$53,984;
- d) Change Order No. 4 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. by \$103,782; and
- e) Change Order No. 3 decreasing Contract Number 019830 with Schindler Elevator Corporation by \$17,519.

Adopted 2/10/06.

Absent - Samuels.

Approved by Mayor Rybak 2/13/06.

**W&M/Budget** - Your Committee recommends approval of the March 2006 utility billing insert providing information regarding the "Free Rain Garden Workshops" sponsored by Minneapolis Blooms, a program of the Committee on Urban Environment.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends that the Chief Finance Officer be authorized to lend up to \$1.365 million to the Minneapolis Library Board to be repaid with interest not later than December 31, 2007. The purpose of the loan is to fund central library project costs in advance of receiving private contributions. The loan will be paid from private contributions and secured by the Library Board's portion of the City's local government aids (LGA).

Your Committee further recommends passage of the accompanying Resolution by appropriating \$1,365,000 in the Library Board - Capital Referendum Agency.

Adopted 2/10/06.

Absent - Samuels.

**RESOLUTION 2006R-064**  
**By Ostrow**

**Amending The 2006 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Library Board - Capital Referendum Agency in the Permanent Improvement Library Fund (4400-908-9081) by \$1,365,000.

Adopted 2/10/06.

Absent - Samuels.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to hire Ms. Catherine Ann ten Broeke for the position of Project Coordinator, City/County Director of End Homelessness (Step 5).

Adopted 2/10/06.

Absent - Samuels.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06).

**W&M/Budget** - Your Committee, having under consideration a recommendation by the Department of Human Resources to add a new appointed position entitled Human Resource Principal Consultant, now recommends the following:

a) That the proposed position meets the criteria in Section 20.1010 of the Minneapolis Code of Ordinances, and that the position may be established in accordance with the findings (as set forth in Petn No. 270981);

b) Approval of the proposed appointed position, allocated to grade 11 with 523 points; and

c) Passage of the accompanying Salary Ordinance establishing the annual salary for said position in accordance with the adopted appointed employee's compensation plan, effective January 30, 2006.

Adopted 2/10/06.

Absent - Samuels.

Ordinance 2006-Or-008 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the newly appointed position of Human Resource Principal Consultant, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-008**  
**By Ostrow**  
**1st & 2nd Readings: 2/10/06**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective: January 30, 2006**

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	H.R. Principal Consultant	523	11	A	\$72,334	\$76,141	\$78,425	\$79,948

Adopted 2/10/06.

Absent - Samuels.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committee submitted the following report:

**W&M/Budget & Z&P** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for a Public Artist(s) to design public art works to be integrated into Jackson Square Park at 825 - 22<sup>nd</sup> Ave NE (Petn No. 270983); and that the proper City officers be directed to enter into an agreement with the selected artist(s), in an amount not to exceed \$80,000.

Adopted 2/10/06.

Absent - Samuels.

Approved by Mayor Rybak 2/13/06.

(Published 2/15/06).

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the Council action of 3/01/02 amending the conditional use permit of Hansen Brothers' Fence for a contractor/construction office at 2716 Lowry Ave N, subject to several conditions in lieu of revoking said permit, now recommends concurrence with the recommendation of the Department of Community Planning and Economic Development/Zoning Division that the conditional use permit now be revoked.

Adopted 2/10/06.

**Z&P** - Your Committee, having under consideration the appeal filed by Christo Stavrou, on behalf of William Weisman, from the decision of the Board of Adjustment which denied applications for a) a variance to allow for a ground level patio in the required front yard; and b) a variance to increase the maximum impervious surface coverage of the lot from 75 percent to 87 percent for a front patio addition to an existing single-family dwelling at 2708 Irving Ave S in the R1 and Shoreland Overlay District, now recommends:

a) Forwarding without recommendation the appeal relating to the variance to allow for a ground level patio in the required front yard; and

b) That the appeal relating to the variance to increase maximum impervious surface coverage be denied.

Remington moved to amend the report by replacing paragraph "a" with the following language:

"a) That the appeal relating to the variance to allow for a ground level patio in the required front yard be granted to allow for a drive turn around limited to a depth that shall not exceed 32 feet from the south end of the driveway and no greater than 15 feet in width, except for the southerly end of the turn around which may taper to a width that shall not exceed 24 feet for a distance of not greater than 6 feet from the north end of the concrete driveway. All other paved surfaces shall be removed from the required front yard with the exception of obstructions allowed by Table 535-1 of the Zoning Code."

Remington further moved to amend the report by inserting the following paragraph at the end of the report: "The site shall be brought into compliance with the conditions of approval of this appeal no later than July 31, 2006." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/10/06.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Minneapolis Community Planning and Economic Development—Housing Division (#1474) to vacate that portion of a tunnel easement located in an alley in the vicinity of 2824 Aldrich Ave S and 2817 Bryant Ave S, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said easement.

Adopted 2/10/06.

Resolution 2006R-065, vacating a tunnel easement in an alley in the vicinity of 2824 Aldrich Ave S and 2817 Bryant Ave S (#1474), was passed 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-065**  
**By Schiff**

**Vacating a tunnel easement in an alley in the vicinity of 2824 Aldrich Ave S and 2817 Bryant Ave S (#1474).**

Resolved by The City Council of The City of Minneapolis:

That all that part of a Tunnel Easement located in (an Alley area that was vacated on 11/28/1913) Block 15, Windom's Addition, as follows: All that part of the Tunnel Easement heretofore not vacated, in Block 15, Windom's Addition to Minneapolis, extending from a point located 12 feet Southerly from the Northerly line(s) of Lots 1 and 12, said Block 15, to the Southerly line(s) of Lot 6 and 7, Block 15, of said Windom's Addition to Minneapolis, is hereby vacated.

Adopted 2/10/06.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Joe Olson and Robert Lilligren (BZZ-2781) to rezone the property at 2912 3rd Avenue South from R2B to the R4 District to permit relocation and renovation of an existing four-unit residential condominium structure to the property, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 2/10/06.

Declining to vote – Lilligren.

Ordinance 2006-Or-009 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2912 3<sup>rd</sup> Ave S to the R4 District, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-OR-009**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 2/10/06**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 4, Block 1, Boulevard Addition to Minneapolis, as duly recorded in Hennepin County, Minnesota (2912 3rd Avenue South - Plate 25) to the R4 District.

Adopted 2/10/06.

Declining to vote – Lilligren.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the American Cancer Society and the University of Minnesota (BZZ-2726) to rezone the property at 2500 University Ave SE from C3A to the OR2 District to permit a hospitality residence for individuals who are undergoing treatment for cancer, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 2/10/06.

Ordinance 2006-Or-010 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2500 University Ave SE to the OR2 District, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-010**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 2/10/06**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 1, Block 1, AFFINITY SUBDIVISION, as duly recorded in Hennepin County, Minnesota (2500 University Ave SE - Plate 22) to the OR2 District.

Adopted 2/10/06.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to comprehensively examine and revise which uses are permitted or conditional in all zoning districts, including revisions to definitions as well as specific development standards of selected uses, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and adoption:

Amending Chapter 520 relating to Zoning Code: Introductory Provisions;  
Amending Chapter 536 relating to Zoning Code: Specific Development Standards;  
Amending Chapter 546 relating to Zoning Code: Residence Districts;  
Amending Chapter 547 relating to Zoning Code: Office Residence Districts;  
Amending Chapter 548 relating to Zoning Code: Commercial Districts;  
Amending Chapter 549 relating to Zoning Code: Downtown Districts;  
Amending Chapter 551 relating to Zoning Code: Overlay Districts.  
Adopted 2/10/06.

Ordinance 2006-Or-011 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, regarding permitted or conditional uses, amending Section 520.160 by deleting the definition of Sports and health facility and adding the definitions of Sports and health facility, major and Sports and health facility, minor, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-011**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to delete the definition of Sports and health facility and add in alphabetical sequence the definitions of Sports and health facility, major and Sports and health facility, minor.

**520.160. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

~~Sports and health facility. A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise, including but not limited to swimming, court games, aerobics, jogging and muscular exercise programs. A sports and health facility may include as an accessory use personal services to patrons, including but not limited to therapeutic massage, tanning, saunas, whirlpools and locker rooms.~~

Sports and health facility, major. A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise. A major sports and health facility may include all activities conducted in a minor sports and health facility, and swimming, court games, jogging, and which includes locker rooms. A major sports and health facility may include as an accessory use personal services to patrons, including but not limited to therapeutic massage, tanning, saunas and whirlpools.

Sports and health facility, minor. A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise. A minor sports and health facility may include aerobics, weight training, muscular exercise programs, yoga, pilates or other similar activities. A minor sports and health facility shall not include locker rooms.

Adopted 2/10/06.

Ordinance 2006-Or-012 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, regarding permitted or conditional uses, amending Section 536.20 relating to Educational arts center, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-012**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 Educational arts center of the above-entitled ordinance be amended to read as follows:

**536.20. Specific development standards.** The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

*Educational arts center.*

- (1) In the OR1 and OR2 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance.
- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Adopted 2/10/06.

Ordinance 2006-Or-013 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code*: Residence Districts, regarding permitted or conditional uses, amending Table 546-1 relating to Principal Uses in Residence Districts, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-013**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following Table 546-1 of the above-entitled ordinance be amended to read as follows:

**546.30. Principal uses for the residence districts.** (a) *In general.* Table 546-1, Principal Uses in the Residence Districts, lists all permitted and conditional uses in the residence districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Chapter 525, Administration and Enforcement.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Enforcement.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.

(e) *Specific development standards.* Permitted and conditional uses specified with an "✓" under the Specific Development Standards column shall be subject to the specific development standards of Chapter 536, Specific Development Standards.

Table 546-1 Principal Uses in Residence Districts

Use	R1	R1A	R2	R2B	R3	R4	R5	R6	Specific Development Standards
<b>RESIDENTIAL USES</b>									
<b>Dwellings</b>									
Single-family dwelling	P	P	P	P	P	P			
Two-family dwelling			P	P	P	P			
Single or two-family dwelling existing on the effective date of this ordinance						P	P		
Cluster development	C	C	C	C	C	C	C	C	✓
Multiple-family dwelling, three (3) and four (4) units					P	P	P	P	
Multiple-family dwelling, five (5) units or more					C	C	C	C	
<b>Planned residential development</b>					C	C	C	C	✓
<b>Congregate Living</b>									
Community residential facility serving six (6) or fewer persons	P	P	P	P	P	P	P	P	✓
Community residential facility serving seven (7) to sixteen (16) persons					C	C	C	C	✓
Community residential facility serving seventeen (17) to thirty-two (32) persons						C	C	C	✓
Board and care home/ Nursing home/ Assisted living						C	C	C	✓
Faculty house						C	C	C	✓
Fraternity or sorority						C	C	C	✓
Hospitality residence						C	C	C	✓
Residential hospice						C	C	C	✓
Supportive housing						C	C	C	✓
<b>INSTITUTIONAL AND PUBLIC USES</b>									
<b>Educational Facilities</b>									
Early childhood learning center	C	C	C	C	C	C	C	C	✓
Preschool	C	C	C	C	C	C	C	C	✓
School, grades K—12	C	C	C	C	C	C	C	C	✓
<b>Social, Cultural, Charitable and Recreational Facilities</b>									
Athletic field	C	C	C	C	C	C	C	C	✓
Cemetery	C	C	C	C	C	C	C	C	
Community garden	P	P	P	P	P	P	P	P	✓

Developmental achievement center	C	C	C	C	C	C	C	C	✓
Golf course	C	C	C	C	C	C	C	C	✓
Library, public	C	C	C	C	C	C	C	C	
Park, public	P	P	P	P	P	P	P	P	
<b>Religious Institutions</b>									
Place of assembly	P	P	P	P	P	P	P	P	
<b>COMMERCIAL USES</b>									
Bed and breakfast home					C	C	C	C	✓
Child care center	C	C	C	C	C	C	C	C	✓
Nursery or greenhouse existing on January 1, 1991	C	C	C	C	C	C	C	C	✓
<b>PARKING FACILITIES</b>									
Parking lot, serving institutional and public uses	C	C	C	C	C	C	C	C	
Parking lot, serving multiple-family dwellings					C	C	C	C	
Parking lot, serving board and care home/ nursing home/ assisted living						C	C	C	
<b>PUBLIC SERVICES AND UTILITIES</b>									
Bus turnaround	C	C	C	C	C	C	C	C	
Electric or gas substation	C	C	C	C	C	C	C	C	
Fire station	C	C	C	C	C	C	C	C	
Passenger transit station	C	C	C	C	C	C	C	C	
Police station	C	C	C	C	C	C	C	C	
Railroad right-of-way	C	C	C	C	C	C	C	C	
Stormwater retention pond	C	C	C	C	C	C	C	C	
Telephone exchange	C	C	C	C	C	C	C	C	
Water pumping and filtration facility	C	C	C	C	C	C	C	C	

Adopted 2/10/06.

Ordinance 2006-Or-014 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code*: Office Residence Districts, regarding permitted or conditional uses, amending Section 547.30 relating to Principal uses for the office residence districts; Table 547.1 Principal uses in the Office Residence Districts; adding a new Section 547.255 "Maximum lot size of theaters, indoor, provided live performances only"; and amending Table 547-3 "Lot Dimension and Building Bulk Requirements in the OR1 District", was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-014**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 547.30 of the above-entitled ordinance be amended to read as follows:

**547.30. Principal uses for the office residence districts.** (a) *In general.* Table 547-1 Principal Uses in the Office Residence Districts, lists all permitted and conditional uses in the office residence districts.

(b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Chapter 525, Administration and Enforcement.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Enforcement.

(d) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the zoning administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district.

(e) *Specific development standards.* Permitted and conditional uses specified with an "✓" under the Specific Development Standards column shall be subject to the specific development standards of Chapter 536, Specific Development Standards.

(f) *Neighborhood serving retail sales and services.* Neighborhood serving retail sales and services include activities that serve the surrounding neighborhood by offering basic goods and services often needed on a day to day basis. The limited nature and scale of the uses minimizes their impact on surrounding properties. Neighborhood serving retail sales and services shall be subject to the following standards:

(1) Neighborhood serving retail sales and services shall be limited to the following uses:

- a. Barber shop/beauty salon.
  - b. Bookstore, new or used.
  - c. Coffee shop, with limited entertainment, maximum thirty (30) seats.
  - d. Drug store.
  - e. Dry cleaning pickup station.
  - f. Florist.
  - g. Grocery store.
  - h. Hardware store.
  - i. Performing, visual or martial arts school.
  - ij. Restaurant, sit down or delicatessen, with limited entertainment, provided no alcoholic beverages, maximum thirty (30) seats.
  - jk. Self service laundry.
  - l. Sports and health facility, minor
- (2) The maximum size of neighborhood serving retail sales and services uses shall be two thousand (2,000) square feet of gross floor area.

- (3) All neighborhood serving retail sales and services shall be located on the ground floor of a mixed use building of at least two (2) stories, with no more than two (2) such retail sales and services uses on a single zoning lot.
- (4) Drive-through facilities shall be prohibited.
- (5) Wholesale and off-premise sales shall be prohibited.
- (6) The minimum floor area of the structure in which the neighborhood serving retail sales and service use is located shall be twenty thousand (20,000) square feet.

Section 2. That the following portions of Table 547-1 of the above-entitled ordinance be amended to read as follows:

**Table 547-1 Principal Uses in the Office Residence Districts**

Use	OR1	OR2	OR3	Specific Development Standards
<b>INSTITUTIONAL AND PUBLIC USES</b>				
<b>Educational Facilities</b>				
<b>Social, Cultural, Charitable and Recreational Facilities</b>				
Educational arts center	<u>C</u>	€ P	€ P	✓
Theater, indoor, provided live performances only	<u>P</u>	€ P	€ P	✓
<b>Religious Institutions</b>				
Convent, monastery or religious retreat center		€ P	€ P	✓
<b>COMMERCIAL USES</b>				
Office	€ P	P	P	✓
Neighborhood serving retail sales and services		€ P	€ P	
<b>PARKING FACILITIES</b>				
Parking lot, serving institutional and public uses	<u>C</u>	<u>C</u>	<u>C</u>	
Parking lot, serving multiple-family dwellings	<u>C</u>	<u>C</u>	<u>C</u>	

Section 3. That Chapter 547 of the Minneapolis Code of Ordinances be amended by adding thereto a new section 547.255 to read as follows:

**547.255. Maximum lot size of theaters, indoor, provided live performances only.**

Theaters, indoor, provided live performances only, shall be limited to a maximum zoning lot size of ten thousand (10,000) square feet.

Section 4. That the following portions of Table 547-3 be amended to read as follows:

**Table 547-3 Lot Dimension and Building Bulk Requirements in the OR1 District**

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
<b>Social, Cultural, Charitable and Recreational Facilities</b>			
<u>Educational arts center</u>	<u>4,000</u>	<u>40</u>	<u>1.0</u>
<u>Theater, indoor, provided live performances only</u>	<u>4,000</u>	<u>40</u>	<u>1.0</u>
Adopted 2/10/06.			

Ordinance 2006-Or-015 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, regarding permitted or conditional uses, amending Table 548-1 relating to Principal Uses in the Commercial Districts, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-015**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portions of Table 548-1 of the above-entitled ordinance be amended to read as follows:

**Table 548-1 Principal Uses in the Commercial Districts**

Use	C1	C2	C3A	C3S	C4	Specific Development Standards
<b>COMMERCIAL USES</b>						
<b>Retail Sales and Services</b>						
Consignment clothing store	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	✓
Currency exchange		<u>C</u> <u>P</u>		<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	✓
Pawnshop					<u>C</u> <u>P</u>	✓
Secondhand goods store	<u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	✓
Tattoo and body piercing parlor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Tobacco shop		<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	✓
Automobile rental		<u>C</u>			<u>C</u>	✓
<b>Commercial Recreation, Entertainment and Lodging</b>						
Hotel			<u>P</u>	<u>P</u>	<u>P</u>	✓
Sports and health facility, <u>major</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Sports and health facility, minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Theater, indoor	<u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	✓
<b>INSTITUTIONAL AND PUBLIC USES</b>						
<b>Educational Facilities</b>						
Early childhood learning center	<u>C</u> <u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	✓
Preschool	<u>C</u> <u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	✓

Adopted 2/10/06.

Ordinance 2006-Or-016 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts* regarding permitted or conditional uses, amending Table 549-1, Principal Uses in the Downtown Districts, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-016**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portions of Table 549-1 of the above-entitled ordinance be amended to read as follows:

<b>Table 549-1 Principal Uses in the Downtown Districts</b>				
Use	B4	B4S	B4C	Specific Development Standards
<b>COMMERCIAL USES</b>				
<b>Retail Sales and Services</b>				
Consignment clothing store	EP	EP	EP	✓
Currency exchange		EP	EP	✓
Pawnshop			EP	✓
Secondhand goods store		EP	EP	✓
<b>Commercial Recreation, Entertainment and Lodging</b>				
Sports and health facility, <u>major</u>	P	P	P	
<u>Sport and health facility, minor</u>	P	P	P	
<b>RESIDENTIAL USES</b>				
<b>Dwellings</b>				
Multiple-family dwelling, five (5) units or more	P	EP	EP	
<b>Congregate Living</b>				
Hospitality residence	EP	EP	EP	✓

Adopted 2/10/06.

Ordinance 2006-Or-017 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, regarding permitted or conditional uses, amending Section 551.360 relating to Permitted Uses, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-017**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 10/21/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 2/10/06**

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 551.360(a) of the above-entitled ordinance be amended to read as follows:

**551.360. Permitted uses.** (a) Uses. In addition to the uses permitted in the primary zoning district, the following uses shall be permitted in the Industrial Living Overlay District, provided such uses shall be located in buildings existing on the effective date of this ordinance:

- (1) General retail sales and services uses.
  - (2) Antiques and collectibles.
  - (3) Banks and financial institutions.
  - (4) Bookstore, new or used.
  - (5) Grocery store.
  - (6) Laundry, self service.
  - (7) Performing, visual or martial arts school.
  - (7) Reception or meeting hall.
  - (9) Sports and health facility, minor.
  - (8) Theater, indoor, provided live performance only.
  - (9) Video stores up to four thousand (4,000) square feet.
- Adopted 2/10/06.

**Z&P** - Your Committee recommends passage of the accompanying resolution in support for historic preservation to accompany application for designation of Minneapolis as a *Preserve America* Community.

Adopted 2/10/06.

Resolution 2006R-066, in support for historic preservation to accompany application by the City of Minneapolis for *Preserve America* community designation, was adopted 2/10/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-066**  
**By Johnson and Schiff**

**Support for historic preservation to accompany application for *Preserve America* community designation.**

Whereas, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

Whereas, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

Whereas, this initiative is compatible with our community's interests and goals related to historic preservation; and

Whereas, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis will apply for the designation of Minneapolis as a *Preserve America* Community.

Be It Further Resolved that City of Minneapolis will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Adopted 2/10/06.

**MOTIONS**

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 2/10/06.

Absent - Colvin Roy.

Lilligren moved passage of the accompanying Resolution adding 1.0 FTE Council Member Aide in the City Council Offices; and approving appropriation.

Adopted 2/10/06. Yeas, 9; Nays, 3 as follows:

Yeas - Samuels, Gordon, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Hofstede, Ostrow, Hodges.

Absent - Colvin Roy.

**RESOLUTION 2006R-067**

**By Lilligren**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the City Council Agency in the General Fund (0100-240-2414) by \$47,700, and increasing the FTE by 1.0 Council Member Aide.

Adopted 2/10/06. Yeas, 9; Nays, 3 as follows:

Yeas - Samuels, Gordon, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Hofstede, Ostrow, Hodges.

Absent - Colvin Roy.

Schiff requested unanimous consent to introduce an ordinance amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, Section 544.30(1) Nonconforming signs, to correct the Council action of 12/2/05 relating to bringing the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, by striking the language "structurally altered or" in the following paragraph:

"(1) Advertising signs and billboards lawfully existing at the time of adoption of this chapter which do not conform to the regulations of this chapter may continue to exist, but shall not be ~~structurally altered or enlarged.~~"

Schiff moved that said ordinance be given its second reading for amendment and passage. Seconded.

Adopted 2/10/06.

Absent - Colvin Roy.

Ordinance 2006-Or-018 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, amending Section 544.30(1) Nonconforming signs, to correct the Council action of 12/2/05 relating to bringing the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, by striking the language "structurally altered or" in that section, was adopted 2/10/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-018**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 2/10/06**

**Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premises Advertising Signs and Billboards.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 544.30(1) of the above-entitled ordinance be amended to read as follows:

**544.30. Nonconforming signs.** The following provisions shall apply to nonconforming advertising signs and billboards:

(1) Advertising signs and billboards lawfully existing at the time of adoption of this chapter which do not conform to the regulations of this chapter may continue to exist, but shall not be ~~structurally altered or~~ enlarged.

Adopted 2/10/06.

Absent - Colvin Roy.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 2/10/06.

Absent - Colvin Roy.

Merry Keefe,  
City Clerk.

Unofficial Posting: 2/14/2006  
Official Posting: 2/17/2006  
Corrections: 3/23/2006; 1/2/2007